



Rebecca Davis (SBN 271662)
rebecca@lozeaudrury.com
LOZEAU DRURY LLP
1939 Harrison St., Suite 150
Oakland, CA 94612
Telephone: (510) 836-4200
Facsimile: (510) 836-4205

Attorneys for Plaintiff JONATHAN ARSLANIAN
and the alleged Class

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JONATHAN ARSLANIAN, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

EARGO, INC., a Delaware Corporation, and
EARGO HEARING INC., a California
Corporation,

Defendants.

Case No. 4:20-cv-5109 -YGR

**PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL**

Plaintiff Johnathan Arslanian hereby dismisses this lawsuit against Defendants with prejudice as to its individual claims against Defendants and without prejudice as to the claims of any members of the alleged Class.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

1 (B) *Effect*. Unless the notice or stipulation states otherwise, the dismissal is
2 without prejudice. But if the plaintiff previously dismissed any federal- or state
3 court action based on or including the same claim, a notice of dismissal operates as
4 an adjudication on the merits.

5 In this case, Defendant has neither answered Plaintiff's Complaint nor served a motion for
6 summary judgment. In addition, no class has been certified in this matter so Rule 23's exceptions
7 do not apply. Likewise, this case does not involve any Receiver so as to implicate Rule 66.
8 Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule 41(a)(1)(i).

9
10 Respectfully submitted,

11 Dated: September 21, 2020

By: /s/ Rebecca Davis
One of Plaintiff's Attorneys

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13 Rebecca Davis (SBN 271662)
rebecca@lozeaudrury.com
14 **LOZEAU DRURY LLP**
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15 Oakland, CA 94612
Telephone: (510) 836-4200
16 Facsimile: (510) 836-4205

17 Attorneys for Plaintiff and the Putative Class
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